

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MICHAEL J. FISHER,

Plaintiff,

vs.

20TH JUDICIAL CIRCUIT OF ST. CLAIR
COUNTY, ILLINOIS 62220,

Defendant.

Case No. 2:09-cv-01926-RLH-PAL

**REPORT OF FINDINGS AND
RECOMMENDATION**

Plaintiff Michael J. Fisher ("Plaintiff") is proceeding in this action *pro se*. Plaintiff requested authority pursuant to 28 U.S.C. § 1915 to proceed *in forma pauperis* and submitted a Complaint on October 6, 2009. This proceeding was referred to this court by Local Rule IB 1-9. On November 17, 2009, the court entered an Order (Dkt. #3) denying Plaintiff's application to proceed *in forma pauperis* because it was unclear whether Plaintiff was currently employed, whether he was receiving SSI benefits, or what his current financial condition was. As a result, the court could not determine whether Plaintiff was eligible to proceed *in forma pauperis*. The court allowed Plaintiff until December 14, 2009 to resubmit a completed application.

Plaintiff filed a new application to proceed *in forma pauperis* on January 13, 2009. See Dkt. #4. That application indicated that Plaintiff would not disclose his employer's name or contact information. Plaintiff stated he was "waiving" that because of "official misconduct of prolonged activities." Id. Moreover, Plaintiff indicated that he received income from (a) business, profession or other self-employment and (b) other sources during the last twelve months. Plaintiff did not disclose the source of that income, the amount received, or what he expected to receive in the future. Lastly, Plaintiff listed his debts and financial obligations as "accounting Humanitarian cost of accounting upon residing within

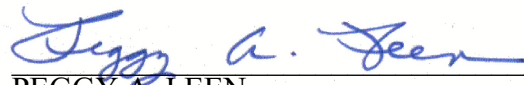
1 America accounting toward and for Government accounting of allowance of the Humanitarian
2 accounting.” Plaintiff did not list the amounts owed and to whom they were payable. For all of these
3 reasons, the court could not determine whether Plaintiff is eligible to proceed *in forma pauperis*. The
4 court, therefore denied Plaintiff’s application without prejudice and allowed Plaintiff until February 26,
5 2010 to file a completed application. See Order, Dkt. #5. The court advised Plaintiff that “[f]ailure to
6 comply with this Order will result in a recommendation to the District Judge that Plaintiff’s Application
7 to Proceed *In Forma Pauperis* be denied with prejudice.” Plaintiff has not complied with the court’s
8 Order (Dkt. #5) or requested an extension of time in which to do so.

9 Accordingly,

10 **IT IS RECOMMENDED** that Plaintiff’s Application to Proceed *In Forma Pauperis* be
11 DENIED and this action be DISMISSED without prejudice to the Plaintiff’s ability to commence a new
12 action in which she either pays the appropriate filing fee in full or submits a completed application to
13 proceed *in forma pauperis*.

14 **IT IS FURTHER RECOMMENDED** that the Clerk of the Court enter judgment accordingly.

15 Dated this 4th day of March, 2010.

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18 PEGGY A. LEEN
19 UNITED STATES MAGISTRATE JUDGE
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